

President to be consistent with NAFTA and GATT.

Mr. President, I am also pleased to support S. 534 because it contains provisions addressing the issue of waste flow control authority, an issue of vital importance to Pennsylvania's counties.

During the 103d Congress, we encountered a new issue with respect to municipal solid waste—the issue of waste flow control authority. As a result, today we are also considering legislation which would restore local authority to control the flow of municipal solid waste.

On May 16, 1994, the Supreme Court held—6-3—in *Carbone versus Clarkstown* that a flow control ordinance, which requires all solid waste to be processed at a designated waste management facility, violates the commerce clause of the United States Constitution. In striking down the Clarkstown ordinance, the Court stated that the ordinance discriminated against interstate commerce by allowing only the favored operator to process waste that is within the town's limits.

As a result of the Court's decision, flow control ordinances in Pennsylvania and other States are considered unconstitutional. Therefore, it is necessary for Congress to enact legislation providing clear authorization for local governments to utilize waste flow control.

I have met with county commissioners who have made clear that this issue is vitally important to the local governments in Pennsylvania. As further evidence of the need for congressional action, I would note the numerous phone calls and letters my office has received from individual Pennsylvania counties and municipal solid waste authorities that support waste flow control legislation. The County Commissioners Association of Pennsylvania has pointed out that since 1988, flow control has been the primary tool used by 65 of the 67 Pennsylvania counties to enforce solid waste plans and meet waste reduction/recycling goals or mandates. Many Pennsylvania jurisdictions have spent a considerable amount of public funds on disposal facilities, including upgraded sanitary landfills, state-of-the-art resources recovery facilities, and co-composting facilities. In the absence of flow control authority, many of these worthwhile projects could be jeopardized. There is also a very real concern that as a result of the *Carbone* decision, prompt congressional action is necessary to ensure that local communities may meet their debt service obligations related to the issuance of revenue bonds for the construction of their solid waste management facilities.

I believe that this bill will protect the ability of municipalities to plan effectively for the management of their municipal solid waste while also guaranteeing that market forces will still provide opportunities for enterprising

companies in the waste management industry.

In conclusion, this legislation makes sense because in the absence of Federal legislation to empower States to restrict cross-border flows of waste, Pennsylvania and other States inevitably become dumping grounds for States that haven't shown the fortitude to enact realistic long-term waste management plans. Further, by restoring flow control authority, this legislation protects Pennsylvania and its component local jurisdictions, which have promulgated comprehensive solid waste management plans and established state-of-the-art facilities to handle waste generated within the Commonwealth.

I yield the floor.

AMENDMENT NO. 869

Mr. CAMPBELL. Mr. President, possibly the most important provision of this legislation for my State is in restoring the opportunity for small community or county landfills to be exempt from the ground water monitoring requirements of RCRA, if they meet certain conditions.

Under the bill a community landfill can be exempt from monitoring if it can demonstrate four things: that it takes in no more than 20 tons of waste per day, that there is no evidence of ground water contamination, that it is in an area that receives less than 25 inches of precipitation, and that it has no practical landfill alternative.

The problem we have in Colorado and, I suspect, throughout the West, is that we have many landfills that pose zero threat to ground water but they may be taking in more than the bill's limit of 20 tons of trash per day.

My amendment does two things: First, it codifies an existing regulation under which a landfill operator may file a no-migration petition with the State; if the petition is approved, the landfill operator becomes exempt from the ground water monitoring requirements.

And second, my amendment directs the Administrator to publish within 6 months an explanatory, or guidance, document by which small towns and counties will be able to easily and directly take advantage of this opportunity.

Since the implementation of RCRA, about a third of the landfills in Colorado have closed. Towns and counties have spent millions developing new landfills that comply with the subtitle D requirements, in spite of the fact that in most of Colorado there is practically zero threat of leaching dangerous substances from landfills into ground water.

Dozens of landfills in Colorado are situated more than 100 feet above the water table; the intervening layers are often composed of shale and clay, making it impossible for materials to leach downward. Under the existing subtitle D landfill rules these landfills must be lined with an impermeable liner; to then require that these communities

spend an additional \$15,000 per year or so to test the ground water is an extreme form of overkill.

Mr. President, the EPA understands that these conditions exist and to their credit the agency conceived of and adopted this no migration petition process. All that my amendment does is to codify this opportunity, an opportunity that has already stood the full test of rulemaking, and to push EPA to make the program available in our rural counties.

Mr. President, I want to particularly thank the distinguished chairman, Senator CHAFEE, and the distinguished ranking member, Senator BAUCUS, for working with me on this important amendment to our western counties.

COMMENDING FORMER PRESIDENT BUSH

Mr. CHAFEE. Mr. President, I want to commend former President Bush for the courageous stand he has taken in canceling his National Rifle Association membership based upon the improper language that was used in a solicitation letter by the National Rifle Association.

I previously have spoken on this floor about the intemperate language that was used in that letter. It is no excuse to say, "Well, fundraising letters are not always accurate. There was a little bit of hyperbole here, and it went a little bit overboard, but perhaps otherwise it was all right."

I think to describe members of law enforcement organizations of the United States as "jack-booted thugs" and individuals wearing "nazi bucket helmets" who randomly shoot civilians is just totally improper.

So, Mr. President, I commend former President Bush. I think what he did was the right thing. I hope it sends a sobering note to the National Rifle Association to watch its language, particularly language it sends out in solicitations, or in whatever manner in which they dispense such language.

I congratulate the former President for his actions.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERSTATE TRANSPORTATION OF MUNICIPAL SOLID WASTE ACT

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. CHAFEE. Mr. President, we are ending the long, long trail toward passage of S. 534.

In order to accomplish crossing that goal line, I ask unanimous consent that, except for the following amendments, no other first-degree amendments be in order after the close of

business, and that these first-degree amendments be subject to relevant second-degree amendments and limited to one-half of the time allocated for each first-degree amendment. The excepted amendments are: Murray-Gorton, Feinstein, Levin, Domenici, and Kempthorne.

I further ask unanimous consent that when the Senate resumes the bill on Tuesday at 9:30 a.m., Senator MURRAY be recognized to offer an amendment on which there will be a time limit of 1 hour to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEINSTEIN AMENDMENT

Mr. CHAFEE. Mr. President, I further ask unanimous consent that following the disposition of the Murray amendment, Senator FEINSTEIN be recognized to offer her amendment on which there be 30 minutes to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEVIN AMENDMENT

Mr. CHAFEE. Mr. President, I further ask unanimous consent that following the disposition of the Feinstein amendment, Senator LEVIN be recognized to offer an amendment, relative to expansion, on which there be 30 minutes for debate to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

DOMENICI AMENDMENT

Mr. CHAFEE. Mr. President, I further ask unanimous consent that following the disposition of the Levin amendment, Senator DOMENICI be recognized to offer an amendment relative to title III, on which there be 30 minutes for debate to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

KEMPTHORNE AMENDMENT

Mr. CHAFEE. Mr. President, I further ask unanimous consent that following the disposition of the Domenici amendment, Senator KEMPTHORNE be recognized to offer an amendment, which is clarifying in nature, on which there be 30 minutes for debate to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. CHAFEE. Mr. President, after checking with the leadership, I am free to announce there will be no further rollcall votes today.

MORNING BUSINESS

Mr. CHAFEE. Mr. President, I ask unanimous consent that there be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MOSCOW SUMMIT

Mr. DOLE. Mr. President, I want to congratulate the President for his successful summit in Kiev. Under President Kuchma, Ukraine has become a model for the States of the former Soviet Union. Agreement to disband nuclear weapons; free market economic reforms; free and fair elections; open investment climate. President Clinton's visit was a timely show of support to the deserving people of Ukraine. I expect the Congress to show our support for Ukraine's political success.

There has been a lot said in the media about reaction to the Moscow summit. I have expressed my disappointment at the results of the Moscow summit. As I said yesterday, this is not partisan politics—it is a judgment based on the facts. I note that today's New York Times carries a headline, "Iran relieved on Yeltsin deal." If Iran is relieved at the results of the summit, all of us have cause for concern. Secretary Christopher, in particular, has led the administration's efforts to prevent nuclear technology from reaching Iran. I hope to work with him over the coming months in support of that important goal.

The reality is, however, that there was great controversy over President Clinton's decision to attend V-E Day ceremonies in Moscow and not in other capitals. The President made his decision, and the President decided to add to the V-E Day ceremonies with a substantive summit. Now, in the aftermath of the summit, judgments are being made about what was achieved. I happen to share the view of Henry Kissinger, that a tremendous opportunity was missed on this overseas trip. I also agree with Dr. Kissinger that "NATO expansion requires a decision, not a study." As he points out, the current drift in United States policy could leave us with the worst of all worlds—the disintegration of Western unity with a still-anxious Russia.

In the past few days, other distinguished writers have expressed their views on what was achieved at the Moscow summit, particularly by Bill Safire and Charles Krauthammer. These articles deserve careful reading by my colleagues as we continue our assessment of the Moscow summit.

I ask unanimous consent the articles by Safire, Krauthammer, and the article by former Secretary Kissinger be printed in the RECORD following my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, May 11, 1995]

NADIR OF SUMMITS

(By William Safire)

WASHINGTON.—Bill Clinton represented American interests poorly in Moscow.

On the sale of Russian nuclear plants to Iran, he was taken in by—or participated in—a trick.

One month ago, to create a "concession" to the naïve American President, Boris

Yeltsin's atomic energy chief upped the ante, letting C.I.A. ears hear him consider adding centrifuges to the deal with Teheran. That outrageous act would be like selling mullahs the means to make a bomb right away, instead of in a few years with nuclear plants alone.

It was a ploy. While brushing aside a Clinton plea to withhold nuclear facilities from Iran, Mr. Yeltsin grandly agreed not to add the centrifuges. Clinton said he was "deeply impressed" by this marvelous restraint, then failed to make a strong case against the plants on TV; Warren Christopher spun the centrifuge ploy as "great progress."

Score a second victory for Yeltsin's generals on the 1990 Conventional Forces in Europe Treaty. This was the agreement to limit Russian troops, tanks and artillery near the West from Norway to Turkey.

But the heroes of Chechnya want to put a new 58th Russian Army in the Caucasus to dominate its freed republics, much as Russia now runs Georgia, Moldova and Belarus. This would menace Turkey as well, but apparently nobody told Tansu Ciller during her recent visit to the White House that Mr. Clinton would say "We are supporting the Russian position" in blithely changing a treaty ratified by the U.S. Senate.

The third defeat suffered by our absorbent President in this nadir of summits was about Chechnya. With the American next to him, Yeltsin brazenly told the world press "there is no armed activity" in that bloodied republic. "The armed forces are not involved there. Today the Ministry of the Interior simply seizes the weapons still in the hands of some small armed criminal gangs."

As he was mouthing this bald-faced lie, the Russian Army was intensifying its shelling of rebel positions southeast of Grozny, following its Mylai-style massacre of unarmed civilians in Samashki one month ago. The Clinton response was to shut up. In his long, prepared speech later, he devoted two quick sentences to "this terrible tragedy" that could "erode support for Russia."

Americans could well feel humiliated by their President's acquiescence in the lying in his presence, and by his failure to respond to that personal insult by broadcasting the truth. Many Russians were hoping he would express the dismay felt by the rest of the world at the brutality of the generals supporting the unpopular Yeltsin. But he hardly went through the motions.

Watching on TV in his Duma office, reformer Grigory Yavlinsky said "not enough" when Clinton touched ever-so-lightly on the continuing Chechnyan slaughter. And when Clinton praised Yeltsin for promising elections on time, as if that were proof of his democratic spirit. Yavlinsky said: "But we always had elections on time. The question is what kind of elections—how open, how fair, how financed, how counted, how supervised."

We do not yet know if Mr. Clinton gave away our right to deploy regional defenses against ballistic missiles; if so, that would score this summit Yeltsin 4, Clinton 0. And the individual meetings we hoped he would have with opposition leaders degenerated into a breakfast group photo-op.

The White House spinmeisters will say: but we got Yeltsin to join the Partnership for Peace, didn't we?

C'mon: the PFP will go pfft at noon on Jan. 20, 1997. If the paper "partnership" is a fig leaf to cover the necessary eastward expansion of NATO, it fools nobody; but if Yeltsin's plucking of the fig leaf means Russia expects to be invited to join NATO, there goes the neighborhood—NATO would lose all meaning as a deterrent to future Russian empire-rebuilding.